



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

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Los Angeles Regional Water Quality Control Board Minutes of July 11, 2002 Regular Board Meeting held at City of Simi valley, Council Chambers 2929 Tapo Canyon Road, Simi Valley, California

INTRODUCTION

The meeting was called to order by Chairperson Diamond at 9:00 am.

Board Members Present

Susan Cloke, Francine Diamond, Julie Buckner-Levy, R. Keith McDonald, Robert Miller, Bradley Mindlin, H. David Nahai, and Timothy Shaheen

Board Members Absent

Christopher Pak

Staff Present

Dennis Dickerson, Deborah Smith, David Bacharowski, Ronji Harris, Laura Gallardo, Robert Sams, Michael Lauffer, Jack Price, Steve Cain, Jenny Newman, Jonathon Bishop, Blythe Ponek-Bacharowski, Augustine Anijelo, Cassandra Owens, David Hung, Veronica Cuevas-Apulche, Raul Medina, Don Tsai, L.B. Nye, Thizar Tintut-Williams, Paula Rasmussen, Gary Schultz

Others Present

Mary Benson
Steve Fleischli, Santa Monica BayKeeper
Kirk O'Reilly, Chevron Texaco, WSPA
Brian Wall, WSPA
Reid H. Bowman, Applied Process Technology
Vicki Conway, LA County Sanitation District
Nicole Granquist, LA County Sanitation District
Jim Stahl, LA County Sanitation District

Damon Wing, Ventura CoastKeeper
Robert B. Montgomery, City of Oxnard
Steven Arita, WSPA
Jacqueline Lambrichts, FOSGR
Shelley Luce, Heal the bay

Pledge of Allegiance

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1. Roll Call
A roll call was taken.
2. Order of Agenda.

The Executive Officer asked the Board to make the following changes to the agenda:

- *Item 5 to be heard after 9.1*
- *Item 8.2 will be heard at a future meeting*
- *Item 9.1 to be heard immediately following Item 10*
- *Item 10 to be heard immediately after the consent calendar*
- *Item 11 will be heard at the August meeting*
- *Item 12 moved to the consent calendar*
- *Item 14 will be hear at a future meeting*

3. Approval of Minutes

The Board approved the minutes from the May 23, 2002 Board meeting.

4. Board Member Communications and Ex Parte Disclosure

Board Member Nahai stated that he met with Chris Campbell of the Southern California Coalition for Pollution Prevention.

Chairperson Diamond stated that she and Board Member Nahai met with Supervisor Yvonne Burke to discuss water quality concerns, especially those regarding Compton Creek.

- 10.1 Consideration of NPDES Permit Renewal and Time Schedule Orders for County Sanitation Districts of Los Angeles County – Los Coyotes Water Reclamation Plant

Staff Presentation

Blythe Ponek-Bacharowski, Chief, Watershed Regulatory Section, gave the staff presentation for both the Los Coyotes and Long Beach facilities. She described their locations and capacities, and the beneficial uses of their receiving waters. She went over the major changes to the permit, including the Reasonable Potential Analysis (RPA), CTR based limits, nitrate+nitrite limits, chronic toxicity limits, ammonia limits, additions to the monitoring and reporting requirements, and the removal of Title 22 - based limits where there was no reasonable potential. She explained that staff wrote the TSO so that the plants could comply with the July 2003 deadline for dinitrification requirements. She then reviewed the facilities' compliance histories and comments submitted by Heal the Bay and Santa Monica BayKeeper.

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Discharger Presentation

Jim Stahl, Chief Engineer and General Manager, LA County Sanitation District, gave the discharger presentation. He expressed the need for cost effective wastewater management. He stated that LACSD is geared towards meeting the July 2003 compliance schedule and asked for compliance dates in the permits rather than in a TSO, which would open LACSD to third party lawsuits. He added that he felt there was no regulatory basis for the nitrate + nitrite limits and that it was premature to set limits before the TMDL was developed. He believes ammonia is the main cause of toxicity and that toxicity limits are unnecessary. He feels that the REC-1 beneficial use designation is inappropriate. He then discussed future compliance concerns and the fact that pollution prevention wouldn't guarantee compliance.

Nicole Granquist, attorney representing LACSD, asked the Board to allow additional comments to be submitted into the record as of July 8, 2002. She stated that the packages mailed out by Regional Board staff on July 1 contained change sheets to which the County responded with a 40-page letter. She stated that the County was being denied due process by not being allowed to submit the letter.

Michael Lauffer, recommended that the Board consider accepting the letter if it only focused on issues in the change sheet.

The Board decided that it would listen to oral comments but would not allow written comments from the 40-page letter.

Vicki Conway, LACSD, reviewed the portions of the letter that specifically addressed issues in the change sheets.

Public Comments

Steve Fleischli, Santa Monica BayKeeper, stated that he is strongly opposed to the permit because staff did not perform an anti-degradation analysis, which should have been required by the removal of the numeric Title 22 based limits. He believes that staff's assertion that there will be no change in the level of treatment does not guarantee that water quality will not be lowered. He also felt the permit violated anti-backsliding provisions and recommended against the narrative standard for nutrients. He supported the use of TSOs and defended the beneficial uses of the waterways.

Shelley Luce, Heal the Bay, stated that minimum levels for monitoring and reporting should be specified in the permit, and was concerned about the lack of net loading provisions for bioaccumulative pollutants. She felt a minimum hardness value should be used to calculate metal limits and recommended an improved watershed-wide monitoring program for aquatic life and shellfish harvesting beneficial uses. She added that Heal the Bay supports the staff recommendation including the toxicity limitations.

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Jacqueline Lambrichts, Friends of the San Gabriel River, stated that FOSGR strongly supports the permits, including the toxicity limits and the inclusion of nitrate+nitrite limits. She added that FOSGR received a grant for chemical and bioassessment monitoring for the San Gabriel River and asked that LACSD be directed to coordinate their watershed monitoring program with FOSGR.

Board Questions

Board Member Nahai asked for clarification of the MUN designation. He expressed concern that language in the order should not prevent future MUN designation.

Michael Lauffer, Staff Counsel, replied that there is essentially no MUN designation for these waters. There is a conditional designation that is not enforceable and carries no regulatory authority. He added that the finding regarding the MUN designation was crafted to apply to only this facility and would not jeopardize any future designation.

Board Member Nahai asked if the MUN designation was still in effect, would a RPA still have resulted in the deletion of those constituents deleted from the current permit. He asked how that would play into the antidegradation argument.

Mr. Lauffer replied that at one time, staff conducted this analysis and some of the constituents dropped out under RPA, even if there was a MUN designation. He added that the findings do not authorize an increased flow rate from the facility or any change in the treatment process. Because staff is not authorizing a change in the discharge, the order is consistent with antidegradation policy and consistent with applying RPA, which are geared toward existing water quality standards.

Board Member Nahai asked Ms. Ponek-Bacharowski to respond Mr. Stahl's concerns with the TSO, the nitrogen limit, the chronic toxicity limit, and the REC-1 designation.

Ms. Ponek-Bacharowski replied that compliance schedules cannot be included in the permits, that the nitrogen and toxicity limits were justified and supported by the SIP, and that staff has no flexibility in the REC-1 designation.

Board Member Shaheen asked Ms. Ponek-Bacharowski to respond to EPA's recommendations regarding toxicity.

Ms. Ponek-Bacharowski replied that staff was looking into those suggestions for future permits, as they were not critical for these permits.

Board Member Cloke asked how the watershed-wide biomonitoring suggested by Ms. Luce would fit into the monitoring program of this permit. She asked how the permit would look at bioaccumulation of silver, arsenic, etc.

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Ms. Ponek-Bacharowski replied that the permits have toxicity testing but no bioassay-type monitoring.

Deborah Smith, Assistant Executive Officer, added that part of the workplan discussion with stakeholders in the next year would address monitoring. She stated that specific data must be looked at to require no net loading of bioaccumulative compounds and so staff removed that provision.

Chairperson Diamond asked if minimum levels could be lowered if monitoring showed that they were not protective. She also asked if the permit could be reopened to add effluent limits based on a RPA.

Ms. Smith replied that the minimum levels could be lowered through provisions of the SIP.

Mr. Lauffer replied that the Board could reopen the permit and add effluent limitations and that it wouldn't be unprecedented.

Board Member Nahai asked Mr. Stahl about the costs of complying with CTR limits. He referred to a SAIC report that estimated costs of \$0.4 and \$1.2 million a year and asked Mr. Stahl if he agreed with those estimates.

Mr. Stahl did not agree with the report because he felt that if the facilities were not able to get levels down through process optimization, then they would have to switch to more sophisticated treatment options, which would cost more than the estimates.

Board Member Buckner-Levy strongly encouraged LACSD to work with FOSGR on their monitoring program.

Michael Lauffer suggested some language to be added regarding bringing back effluent limits after a RPA on page 10.1-112.A and some language regarding the extension of the due date for SSOs with executive officer approval on 10.1-178.G.

There was a motion to adopt the staff recommendation with the change sheet and the additional language on 10.1-112.A and 10.1-178.G.

MOTION: By Chairperson Diamond, seconded by Board Member Miller, and approved on a voice vote. No votes in opposition.

10.3 Long Beach Water Reclamation Plant

Blythe Ponek-Bacharowski incorporated the staff recommendation for Item 10.1, including the changes, into this item. Specific to this item, staff recommended that the interim limits for 2 PAHs be deleted.

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Vicki Conway, LACSD pointed out that the suspended solids limit had been changed from 40 to 30 mg/l, which might have been an error.

There was a motion to adopt the staff recommendation with all the changes, including changes to correct the suspended solids limit error and to delete the interim limit for the 2 PAHs.

MOTION: By Chairperson Diamond, seconded by Board Member Buckner-Levy, and approved on a voice vote. No votes in opposition.

10.2 Los Coyotes – Time Schedule Order

Blythe Ponek-Bacharowski explained that the purpose of the TSO was to allow the discharger an extra year to comply with the ammonia, nitrate+nitrite, and chronic toxicity limits. The interim limits shield the discharger from Migdin penalties if the discharger complies with the TSO but does not preclude third party lawsuits.

Jim Stahl, LACSD, reiterated that the facilities will comply by July 2003 and that it was not appropriate to place an enforcement order on them.

Vicki Conway, LACSD, stated that the interim limits should use a maximum detected value and the PPP submittal date should be extended to 120 days. She added that she did not receive an agenda package for the TSO for Los Coyotes.

There was some discussion about the Board's ability to put a compliance schedule in the NPDES permit itself and the need for a TSO.

There was a motion to adopt the staff recommendation, including a change allowing LACSD 120 days to submit a workplan, and adding some language to page 10.2-4.

MOTION: By Chairperson Diamond, seconded by Board Member Nahai, and approved on a voice vote. No votes in opposition.

10.4 Long Beach – Time Schedule Order

The staff recommendation and discussion for Item 10.2 was incorporated into this item.

There was a motion to adopt the staff recommendation, with the same changes as in 10.2.

MOTION: By Chairperson Diamond, seconded by Board Member Nahai, and approved on a voice vote. No votes in opposition.

6. Uncontested Items

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There was a motion to adopt the following uncontested items: 7.2, 7.3, 8.2, and 12.

MOTION: By Board Member Mindlin, seconded by Board Member Miller, and approved on a voice vote. No votes in opposition.

5. Public Forum

Mary Benson asked that a matter be agendized regarding Hansen Dam. She reported that the Army Corps of Engineers was dumping trash into the interior of the dam. She stated she had been to the Los Angeles City Council for their help and was asking the Board to look into the problem.

9.1 Consideration of a General permit for discharges of treated groundwater from cleanup of petroleum fuel-contaminated sites.

Blythe Ponek-Bacharowski gave the staff presentation, including background on authorization of general permits, renewal of the old permit, and the coverage of the permit. She explained that the proposed order includes implementation of the CTR and the addition of limits for gasoline additives (e.g., TBA). She reviewed the treatment process and addressed concerns with the TBA limit. She then went over comments received from ARCO and Western States Petroleum Association (WSPA).

Steven Arita, WSPA, disagreed with staff's contention that technology is available to reduce MTBE and TBA to the levels required by the permit. He suggested trigger limits followed by a technology evaluation. If a potential for impacts were found, then the system would be shut down. He added that WSPA was currently conducting a treatability study for Region 8.

Kirk O'Reilly, Chevron/Texaco, reviewed the technical aspects of the limitations of the groundwater treatment technologies for oxygenates. He stated that they do not have much experience working with them and there is little data on their use. He feels that the technologies cannot consistently deal with TBA.

Reid Bowman, Applied Process Technology, explained his company's advanced oxidation process for TBA control, including the technology, costs, and examples.

Board Member Shaheen asked Mr. Bowman if his company indemnified customers to get below that level that is subject to potential penalties in situations like this.

Mr. Bowman replied that they did, depending on the client's requirements, but not municipalities.

Board Member asked Mr. O'Reilly to respond to Mr. Bowman's presentation.

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Mr. O'Reilly replied that Chevron was a customer for the MTBE technology, but was concerned about the technology for TBA.

Board Member Shaheen asked about the differences in TBA limits for other regions.

Ms. Poniek-Bacharowski replied that it was a technical disagreement.

Board Member Nahai asked staff to keep the Board informed of the progress of the transition from the old to the new general permit.

There was a motion to adopt staff's recommendation with the changes in the change sheet and with an understanding that staff would report on the permit's progress and on the status of general permits in other regions in 5 months.

MOTION: By Board Member Cloke, seconded by Board Member Nahai, and approved on a voice vote. No votes in opposition.

7.1 City of Oxnard Wastewater Treatment Plant

Blythe Poniek-Bacharowski gave the staff presentation, including location of the facility, its capacity, and compliance history. She reviewed the effluent limitations and monitoring requirements. Based on a RPA, there are limitations for 22 pollutants in the new permit, which is less than in the previous permit. She stated that the water quality at Ormond Beach is generally very good. She reviewed the comments received by the discharger, LACSD, Heal the Bay, and BayKeeper and discussed the unresolved issues and the changes in the change sheet.

Robert Montgomery, City of Oxnard, felt that Oxnard had not been given the same procedural consideration as larger dischargers. He objected to staff's estimation of monitoring costs, monthly toxicity monitoring, the chain of custody requirement, and the requirement to obtain AB 411 data from the County Environmental Health Department and include it their monitoring reports.

Damon Wing, Ventura CoastKeeper, agreed with the monthly chronic toxicity requirements and supported the changes in the change sheet regarding fish and macroinvertebrate monitoring.

Steve Fleischli, Santa Monica BayKeeper, spoke more on the issues of antibacksliding and antidegradation. He disagreed with staff's conclusion that there will not be any lowering of treatment or a potential lowering of water quality by removing some of the effluent limits from the previous permit.

Board Questions

Board Members Nahai and Cloke discussed the issues of antidegradation and antibacksliding with Mr. Fleischli for some time. Board Member Nahai stressed legal

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counsel's advice that if a RPA doesn't trigger a requirement for regulation, then dropping a limit does not violate antibacksliding or antidegradation policy. Mr. Fleischli questioned that if the limit is removed, what would happen in the long term. He stated the only way to put it back in would be to conduct another RPA.

Board Member Cloke asked Mr. Montgomery if he felt that communication with staff had improved. She also asked about the City's plan for water recycling and groundwater injection to prevent saltwater intrusion.

Mr. Montgomery replied that he felt communication with staff had not improved. He added that the City joined the GRATE program as part of their overall approach and the reclamation project is being absorbed into that program.

Board Member Miller asked Ms. Ponek-Bacharowski to address the issues of monthly toxicity monitoring, the chain of custody requirement, and the requirement for the City to use County AB 411 data.

Ms. Ponek-Bacharowski replied that they kept the monthly requirements because Oxnard has so many industrial dischargers and this would be a last line of defense against any synergistic effects. She stated that the chain of custody records are required of all permittees and that staff would accept a log sheet or any type of in house records that Oxnard keeps. She explained that they need the AB 411 data in order to see the whole picture, including near and far shore data.

Board Member Cloke asked about the City's concerns with getting the County data incorporated into the report and sent to the Board on time. She asked if there was any way that staff could facilitate this.

Ms. Ponek-Bacharowski replied that the information was public domain and that staff would accept electronic delivery of this information if it would help the City.

There was a motion to accept the staff recommendation with the changes in the change sheet and changing the word "should" to "shall" on page 7.1-3.A.5.

MOTION: By Board Member Cloke, seconded by Board Member Nahai, and approved on a voice vote. No votes in opposition.

15. Executive Officer's Report

The Executive officer updated the Board on current issues.

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Adjournment of Current Meeting

The meeting adjourned at 4:10 pm. The next regular meeting is scheduled for August 29, 2002, at the Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, California, at 9:00 a.m.

Minutes adopted at the _____ Regular Board meeting
submitted/amended.

Written and submitted by: _____.

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